

No. T-41/5682.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at public expense, for a public purpose, namely, constructing Bye Pass at Tosham, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana, is pleased to authorise the Officers, for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality, may within thirty days of the publication of this notification file an objection in writing before the Land Acquisition Collector, Haryana Public Works Department, Building & Roads Branch, Ambala Cantt.

#### SPECIFICATION

| District | Tehsil  | Locality | Area in Acres | Remarks                  |
|----------|---------|----------|---------------|--------------------------|
| Bhiwani  | Bhiwani | Tosham   | 3.61          | 3.6, 397, 397, 391,<br>1 |
| Total    |         |          | 3.61          |                          |

(Sd.) . . .

Superintending Engineer,  
Bhiwani Circle, P.W.D., B.&R. Branch,  
Bhiwani.

#### AWARD

#### LABOUR AND EMPLOYMENT DEPARTMENT.

The 4th October, 1974

No. 9062-4 Lab.-74/32492.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s. National Industries Corporation, Panipat.

BEFORE SHRI O. P. SHARMA, PRESIDING  
OFFICER, LABOUR COURT, HARYANA,  
ROHTAK.

Reference No. 28 of 1973.

#### BETWEEN

Shri Satwant Singh and the management of  
M/s. National Industries Corporation, Panipat.

Present

Shri Onkar Parshad for the workmen.

Shri Surinder Kaushal for the management.

Shri Satwant Singh workman concerned was in the service of M/s National Industries Corporation, Panipat as a Spinner since 1970. His services were allegedly terminated by the management with effect from 25th September, 1972 without any rhyme or reason. He demanded reinstatement but without success. The matter was taken up for conciliation which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the dispute for adjudication to this court vide order No. ID/KNL/24-A-72/11964-68 dated 29th March, 1973. in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, with the following term of reference :—

“Whether the termination of services of Shri Satwant Singh was justified and in order? If not, to what relief is he entitled?”

The parties put in their respective written statements. The workman reiterated his claim as earlier raised through the demand notice

leading to the present reference. The management contested his claim on the ground that it was infact, a case of self-abandonment of service by the workman himself who had absented himself from duty without any proper authorisation.

The following two issues arose for determination in the case :

1. Whether it is a case of self-abandonment of service by the workman concerned ? If so, with what effect ?
2. Whether the termination of service of Shri Satwant Singh was justified and in order ? If not, to what relief is he entitled ?

Shri Vishava Nath one of the Partners has come into the witness-box on behalf of the management and made a statement on oath that this workman who had joined service only on 1st of July, 1972 had absented himself from duty without any leave or proper authorisation from 26th September, 1972 till 18th October, 1972 and his name had, therefore, to be struck off the rolls as per clause 7(H) of the Certified Standing Orders of the Company copy Ex. M. 1 on record.

On the other hand, Shri Satwant Singh workman concerned has made his own statement beside examining Shri Karan Singh, Secretary Bhartia Mazdoor Sangh, Haryana. According to them the management had terminated the services alongwith those of two other workers simply because they had joined a union of C.P.M. and had raised demand for increase in their wages.

Besides the copy of the Certified Standing Orders of the Company Ex. M. 1, the other two documents proved in the case are the demand notice dated 22nd November, 1972 Ex. M. 2, which forms part of the order of reference and the report of the Conciliation Officer Ex. M. 3.

The case has been argued on both sides and I have given due consideration to the material on record. The plea of self abandonment of service by the workman as taken by the management in the written statement does not appear to be an after thought. Exactly the same plea had been taken in the conciliation proceedings also as would be clear from the perusal of the report of the Conciliation Officer Ex. M. 3 on record. The sworn testimony of Shri Vishava Nath Partner to this effect finds support from the relevant entries in the attendance register which do indicate that this workman had absent himself from duty from 26th September, 1972 till 18th October, 1972. There is apparently no reason to disbelieve the genuineness of these entries and no reliable evidence has been brought on record by the workman to indicate that these are false or forged entries.

As already pointed out, according to the management this workman had joined service only on 1st of July, 1972, but his authorised re-

presentative has argued that he had infact, joined service on 5th July, 1971, and my attention has been drawn to a certificate issued by the appointment of Shri Satwant Singh has been mentioned as 5th July, 1971. This document does not help him for the simple and obvious reason that the name of the present management is not mentioned in it and it appears that the upper portion of the document has been purposely torn off. No employee of the E.S.I. Corporation has been examined to prove this document and to make a statement on catch that the E.S.O. number of the workman given in this document infact, related to the present management.

So, taking into consideration the facts discussed and the reasons aforesaid I am quite clear in my mind that this workman had joined service with the management on 1st of July, 1972 and had absented himself from duty from 20th September, 1972 till 18th October, 1972, without proper authorisation and he had afforded no reasonable explanation to the management for this reference, with the result, that he was deemed to have left the service of the Company without notice which automatically stood terminated without any action on the part of the management. Issue No. 1 is accordingly decided against the workman and in favour of the management holding that it is a case of self-abandonment of service by the workman by remaining absent from duty, without any proper authorisation resulting into the loss of lien on the job held by him as per clause 7 (H) of the Certified Standing Order of the Company which formed the contract of service between him and the employer.

In view of my above finding on issue No. 1, issue No. 2 does not arise for consideration as the workman having left service of his own accord, the question of the termination of services by the management by way of punishment or otherwise did not arise and the management is not required to justify the termination of his services which infact, automatically stood terminated by his own conduct as discussed above. The issue is held accordingly.

In the result, the workman concerned is not entitled to any relief by way of reinstatement or payment of back dues. The award is made accordingly but without any order as to costs.

Dated : 17-9-74.

O. P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No : 2386

Dated : 27-9-74.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.